

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

IN RE INTEL CORP. MICROPROCESSOR ANTITRUST LITIGATION	No. 05-MD-1717-JJF
THIS DOCUMENT RELATES TO:  All actions except  <i>Advanced Micro Devices, Inc. v. Intel Corp.</i> , C.A. No. 05-441-JJF;  <i>Hewson v. Intel Corp.</i> , C.A. No.:05-902-JJF;  and  <i>Uwakwe v. Intel Corp.</i> , C.A. No. 05-906-JJF	

**DEFENDANT INTEL CORPORATION'S UNOPPOSED MOTION  
FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE  
RESPOND TO CLASS ACTION COMPLAINTS**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant Intel Corporation ("Intel") respectfully requests an extension of time in which to answer or otherwise respond to the 70 separate class action complaints pending before this Court in this MDL proceeding until 60 days after the filing of a Consolidated Class Action Complaint. In support of the requested extension, Intel states:

1. Each of the Complaints at issue is one of 73 related purported class actions ("Related Actions")<sup>1</sup> challenging purported Intel conduct on behalf of various purported classes

<sup>1</sup> This request does not address three of these actions. In *Hewson v. Intel Corp.*, C.A. No. 05-902-JJF and *Uwakwe v. Intel Corp.*, C.A. No. 05-906-JJF, Intel has not been served with the complaints under Fed. R. Civ. P. 4. The third action, *Chance v. Intel Corp.*, 6:05-cv-01303-JTM-KMH, currently in the United States District court for the District of Kansas, has challenged transfer to MDL-1717 and is thus not yet before this Court. See Paragraphs 4-5 *infra*.

of indirect purchasers of computers containing Intel microprocessors.

2. On July 14, 2005, the plaintiffs in one of the Related Actions – *Brauch et al. v. Intel Corp.*, No. C-05-2743 (N.D. Cal.) – petitioned the Judicial Panel on Multidistrict Litigation (“JPML”) for MDL treatment pursuant to 28 U.S.C. § 1407.

3. In light of that request, Intel sought and received extensions of time to answer or otherwise respond to the plaintiffs’ complaints until 60 days after transfer by the JPML. These extensions facilitated a uniform response date for these complaints, which were filed at various times over several months.

4. On November 8, 2005, the JPML issued a Transfer Order which centralized those Related Actions that were subject to the *Brauch* MDL Petition before this Court. On December 6, 2005, the JPML issued a Conditional Transfer Order (CTO-1) which conditionally transferred the remaining Related Actions to this Court. As a result of these Orders, 72 of the 73 Related Actions have been consolidated before this Court.

5. One of the Related Actions has opposed transfer under 28 U.S.C. § 1407. *See* Plaintiff Marvin D. Chance’s Motion and Brief to Vacate Conditional Transfer Order (CTO-1), *In re Intel Corp. Microprocessor Antitrust Litig.*, No MDL 1717 (J.P.M.L. filed January 3, 2006).

6. Chance’s opposition to transfer – which was considered without oral argument by the JPML at its March 30, 2006 Hearing Session – has resulted in a longer than anticipated time between transfer and the opportunity for the parties to appear before this Court to discuss the filing of a Consolidated Class Action Complaint and a schedule in this MDL. This delay has upset the uniformity that the original extension was intended to secure.

7. The requested extension promotes the interests of efficiency and judicial economy because, absent the extension, Intel would be forced to file a series of responses to the separate class action complaints that are currently pending before the Court. Because both groups seeking appointment as Interim Class Counsel intend to file a Consolidated Class Action Complaint, those responses would become moot within a short period of time.

8. The requested extension will not materially affect the schedule in this case, and will conserve scarce judicial resources that would be wasted if Intel were required to file responses to 70 separate (and soon to be superseded) complaints.

9. Counsel for Intel has conferred with lead counsel for both the “National Plaintiffs Group” and the “CFHS Group”<sup>2</sup> as well as counsel in *Suarez v. Intel Corp.*, No. C.A. No. 05-911-JJF (D. Del.) and *Wiles v. Intel Corp.*, C.A. No. 05-914-JJF (D. Del.) regarding this request. Intel has stated to these counsel that Intel does not intend that the requested extensions, or any motion Intel may file in response to the Consolidated Class Action Complaint, delay any other part of this litigation, nor does Intel intend to use this extension as a basis to request a stay of discovery. Based on those discussions and this commitment, plaintiffs in those 69 actions do not oppose the proposed extension.

10. Intel Counsel has also spoken with Daniel Karon, plaintiff counsel in *Armbrister v. Intel Corp.*, C.A. No. 05-913-JJF (D. Del.). Although Mr. Karon is uncertain at this time whether his clients’ action will be part of a Consolidated Class Complaint, the plaintiffs in *Armbrister* do not oppose Intel receiving an extension that would align the response date in the *Armbrister* action with the response date for the Consolidated Class Complaint.

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<sup>2</sup> These two groups, both of which are seeking appointment as Interim Class Counsel, have represented that they are authorized to speak for plaintiffs in 67 of the 70 cases subject to this request, as detailed in Exhibit A to this Motion.

## CONCLUSION

For the foregoing reasons, Intel respectfully requests that the deadline for it to answer or otherwise respond to the plaintiffs' class action complaints be extended until 60 days after the filing of a Consolidated Class Action Complaint.

Respectfully Submitted,

OF COUNSEL:

POTTER ANDERSON & CORROON LLP

Richard A. Ripley  
BINGHAM McCUTCHEN LLP  
2020 K Street, N.W.  
Washington, DC 20006  
Telephone: (202) 373-6000  
Facsimile: (202) 373-6001

David M. Balabanian  
Christopher B. Hockett  
BINGHAM McCUTCHEN LLP  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286

By: /s/ W. Harding Drane

Richard L. Horwitz (Del. Bar. No. 2246)  
W. Harding Drane, Jr. (Del. Bar. No. 1023)  
Hercules Plaza, Sixth Floor  
1313 North Market Street  
Wilmington, DE 19801  
Telephone: (302) 984-6000  
Facsimile: (302) 658-1192  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[wdrane@potteranderson.com](mailto:wdrane@potteranderson.com)

Attorneys for Defendant  
INTEL CORPORATION

DATED: April 5, 2006

**EXHIBIT A**

**Cases Included in National Plaintiffs Group**

1. *Kidwell, et al v. Intel Corp.* No. 1:05-cv-470-JJF (D. Del.)
2. *Rainwater, et al v. Intel Corp.*, No. 1:05-cv-473-JJF (D. Del.)
3. *Volden, et al v. Intel Corp.*, No. 1:05-cv-488-JJF (D. Del.)
4. *Ficor Acquisition Corp., et al v. Intel Corp.*, No. 1:05-cv-515-JJF (D. Del.)
5. *Richards, et al v. Intel Corp.*, No. 1:05-cv-672-JJF (D. Del.)
6. *Kurzman, et al v. Intel Corp.*, No. 1:05-cv-710-JJF (D. Del.)
7. *Giacobbe-Fritz Fine Art LLC v. Intel Corp.*, No. 1:05-cv-846-JJF (D. Del.)
8. *Ludt v. Intel Corp.*, No. 1:05-cv-00510-JJF (D. Del.)

**Cases Included in CFHS Group**

9. *Kravitz v. Intel Corp.*, No. 1:05-cv-00476-JJF (D. Del.)
10. *Paul v. Intel Corp.*, No. 1:05-cv-00485-JJF (D. Del.)
11. *Chacon v. Intel Corp.*, No. 1:05-cv-00489-JJF (D. Del.)
12. *Simon v. Intel Corp.*, No. 1:05-cv-00490-JJF (D. Del.)
13. *Ambrusoso v. Intel Corp.*, No. 1:05-cv-00505-JJF (D. Del.)
14. *Baran v. Intel Corp.*, No. 1:05-cv-00508-JJF (D. Del.)
15. *Czysv v. Intel Corp.*, No. 1:05-cv-00509-JJF (D. Del.)
16. *Fairmont Ortho. & Sports Medicine v. Intel Corp.*, No. 1:05-cv-00519-JJF (D. Del.)
17. *Law Offices of Kwasi Asiedu v. Intel Corp.*, No. 1:05-cv-00520-JJF (D. Del.)
18. *HP Consulting Services v. Intel Corp.*, No. 1:05-cv-00521-JJF (D. Del.)
19. *Cowan v. Intel Corp.*, No. 1:05-cv-00522-JJF (D. Del.)
20. *Manyin v. Intel Corp.*, No. 1:05-cv-00526-JJF (D. Del.)
21. *Cone v. Intel Corp.*, No. 1:05-cv-00531-JJF (D. Del.)
22. *Feitelberg v. Intel Corp.*, No. 1:05-cv-00532-JJF (D. Del.)
23. *Weeth v. Intel Corp.*, No. 1:05-cv-00533-JJF (D. Del.)
24. *Harr v. Intel Corp.*, No. 1:05-cv-00537-JJF (D. Del.)
25. *Cohn v. Intel Corp.*, No. 1:05-cv-00539-JJF (D. Del.)
26. *Griffin v. Intel Corp.*, No. 1:05-cv-00540-JJF (D. Del.)
27. *Kornegay v. Intel Corp.*, No. 1:05-cv-00541-JJF (D. Del.)
28. *Ramos v. Intel Corp.*, No. 1:05-cv-00544-JJF (D. Del.)
29. *Bergerson & Associates, Inc. v. Intel Corp.*, No. 1:05-cv-00547-JJF (D. Del.)
30. *Arnold v. Intel Corp.*, No. 1:05-cv-00554-JJF (D. Del.)
31. *Genese v. Intel Corp.*, No. 1:05-cv-00556-JJF (D. Del.)
32. *Boeding v. Intel Corp.*, No. 1:05-cv-00557-JJF (D. Del.)
33. *Munson v. Intel Corp.*, No. 1:05-cv-00558-JJF (D. Del.)
34. *Pines v. Intel Corp.*, No. 1:05-cv-00560-JJF (D. Del.)
35. *Salpeter v. Intel Corp.*, No. 1:05-cv-00575-JJF (D. Del.)
36. *Herroeder-Perras v. Intel Corp.*, No. 1:05-cv-00616-JJF (D. Del.)
37. *Roach v. Intel Corp.*, No. 1:05-cv-00617-JJF (D. Del.)
38. *Di Marco v. Intel Corp.*, No. 1:05-cv-00627-JJF (D. Del.)
39. *Schupler v. Intel Corp.*, No. 1:05-cv-00674-JJF (D. Del.)
40. *Lipton v. Intel Corp.*, No. 1:05-cv-00773-JJF (D. Del.)

41. *Prohias v. Intel Corp.*, No. 1:05-cv-00774-JJF (D. Del.)
42. *Konieczka v. Intel Corp.*, No. 1:05-cv-00775-JJF (D. Del.)
43. *Niehaus v. Intel Corp.*, No. 1:05-cv-00776-JJF (D. Del.)
44. *Hamilton v. Intel Corp.*, No. 1:05-cv-00777-JJF (D. Del.)
45. *Brauch v. Intel Corp.*, No. 1:05-cv-00778-JJF (D. Del.)
46. *Baxley v. Intel Corp.*, No. 1:05-cv-00779-JJF (D. Del.)
47. *Frazier v. Intel Corp.*, No. 1:05-cv-00780-JJF (D. Del.)
48. *Dickerson v. Intel Corp.*, No. 1:05-cv-00781-JJF (D. Del.)
49. *The Harman Press v. Intel Corp.*, No. 1:05-cv-00782-JJF (D. Del.)
50. *Shanghai 1930 Restaurant v. Intel Corp.*, No. 1:05-cv-00894-JJF (D. Del.)
51. *Major League Softball, Inc. v. Intel Corp.*, No. 1:05-cv-00895-JJF (D. Del.)
52. *Allanoff v. Intel Corp.*, No. 1:05-cv-00896-JJF (D. Del.)
53. *Law Offices of Laurel Stanley v. Intel Corp.*, No. 1:05-cv-00897-JJF (D. Del.)
54. *Lazio Family Prods. v. Intel Corp.*, No. 1:05-cv-00898-JJF (D. Del.)
55. *Walker v. Intel Corp.*, No. 1:05-cv-00899-JJF (D. Del.)
56. *Stoltz v. Intel Corp.*, No. 1:05-cv-00900-JJF (D. Del.)
57. *Naigow v. Intel Corp.*, No. 1:05-cv-00901-JJF (D. Del.)
58. *Hewson v. Intel Corp.*, No. 1:05-cv-00902-JJF (D. Del.)
59. *Lang v. Intel Corp.*, No. 1:05-cv-00903-JJF (D. Del.)
60. *Trotter-Vogel Realty, Inc. v. Intel Corp.*, No. 1:05-cv-00904-JJF (D. Del.)
61. *Juskiewicz v. Intel Corp.*, No. 1:05-cv-00905-JJF (D. Del.)
62. *Juan v. Intel Corp.*, No. 1:05-cv-00907-JJF (D. Del.)
63. *Dressed to Kill Draperies, LLC v. Intel Corp.*, No. 1:05-cv-00908-JJF (D. Del.)
64. *Kinder v. Intel Corp.*, No. 1:05-cv-00909-JJF (D. Del.)
65. *Rush v. Intel Corp.*, No. 1:05-cv-00910-JJF (D. Del.)
66. *Schwartz v. Intel Corp.*, No. 1:05-cv-00912-JJF (D. Del.)
67. *Marshall v. Intel Corp.*, No. 1:05-cv-00686-JJF (D. Del.)

**Cases Not Included in Either Group**

1. *Suarez v. Intel Corp.*, No. 1:05-cv-00911-JJF (D. Del.)
2. *Armbrister v. Intel Corp.*, No. 1:05-cv-00913-JJF (D. Del.)
3. *Wiles v. Intel Corp.*, No. 1:05-cv-00914-JJF (D. Del.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, Richard L. Horwitz, hereby certify that on April 5, 2006, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Frederick L. Cottrell, III  
Richards, Layton & Finger  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801

I hereby certify that on April 5, 2006, I have sent the documents to the following non-registered participants in the manner indicated:

**VIA FIRST CLASS U.S. MAIL**

Pamela S. Tikellis (#2172)  
Robert J. Kriner, Jr. (#2546)  
A. Zachary Naylor (#4439)  
Chimicles & Tikellis LLP  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899

Robert D. Goldberg (#631)  
Biggs And Battaglia  
921 North Orange Street  
P.O. Box 1489  
Wilmington, DE 19899

James L. Holzman (#663)  
David W. Gregory (#4408)  
Prickett, Jones & Elliott, P.A.  
1310 King Street  
P.O. Box 1328  
Wilmington, DE 19899

Joel E. Friedlander (#3163)  
James G. McMillan, III (#3979)  
Bouchard Margules & Friedlander, P.A.  
222 Delaware Avenue  
Suite 1400  
Wilmington, DE 19801

Scott E. Chambers (#2532)  
Jeffrey J. Clark (#3485)  
Schmittinger & Rodriguez, P.A.  
414 South State Street  
P.O. Box 497  
Dover, DE 19903

Jeffrey S. Goddess (#630)  
Rosenthal, Monhait, Gross & Goddess, P.A.  
919 Market Street, Suite 1401  
P.O. Box 1070  
Wilmington, DE 19899-1070

R. Bruce McNew (#967)  
Taylor & McNew, LLP  
2710 Centerville Road  
Suite 210  
Wilmington, DE 19808

Salem M. Katsch  
Laurin B. Grollman  
Kasowitz, Benson, Torres & Friedman LLP  
1633 Broadway, 22nd Floor  
New York, NY 10019

VIA FEDERAL EXPRESS

Michael Maddigan  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071

By: /s/ W. Harding Drane  
Richard L. Horwitz (#2246)  
W. Harding Drane, Jr. (#1023)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19899-0951  
(302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[wdrane@potteranderson.com](mailto:wdrane@potteranderson.com)

726752v1